

COMMUNICATION 131133

Received From: Niki Dwyer, RPP MCIP, Director of Development Services
Addressed To: Committee of the Whole
Date: November 10, 2020
Topic: Development Permit Amendment - Holding Zones

BACKGROUND

Purpose and Effect

The purpose of this municipally-lead amendment is twofold:

1. Amend Section 2 of Development Permit By-law 15-2015 to introduce the use of Holding symbols in accordance with the Official Plan and Planning Act;
2. To apply a Holding symbol and establish terms for the lifting of the symbol for the lands known municipally as 150 Mill Street (McArthur Island).

Description of the Subject Lands

The proposed amendment to the general provisions of the by-law will apply to all lands designed under the By-law within the Town of Carleton Place.

The site-specific amendment will apply only to the lands known as 150 Mill Street, locally known as McArthur Island. The subject lands have been under review by a Class III Development Permit for the development of a 5-phased re-development and infill resulting in a mixed-use residential, institutional, and commercial neighbourhood. At this time, there is insufficient information for review regarding the feasibility of Phases 4 and 5 and as a result it is recommended by staff that a Holding provision be applied to outline specific additional requirements to be satisfied before development could commence.

Figure 1 – Approximate limits of proposed Holding symbol



COMMENT

Evaluation

General Provisions

During a recent review of Development Permit By-law 15-2015, staff noted that the by-law does not include enabling provisions to make use of Holding symbols in accordance with Section 36 of the Planning Act.

Holding provision by-law

36 (1) The council of a local municipality may, in a by-law passed under section 34, by the use of the holding symbol “H” (or “h”) in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law. R.S.O. 1990, c. P.13, s. 36 (1).

While the Town of Carleton Place Official Plan references and sets terms for the use of Holding symbols, this policy has not been included in the General Provisions of the Town’s Development Permit By-law.

Provincial Policy Statement (2020)

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5)(a) of the Planning Act, R.S.O. 1990, all planning decisions must be consistent with the PPS.

The PPS encourages Municipalities to manage and direct land use activities in healthy, livable and safe communities by promoting efficient development patterns and accommodate an appropriate range and mix of land uses within the settlement area (Policy 1.1.3.2).

Healthy livable communities in Settlement Areas will be composed of a range of uses supportive to the long-term needs of the community and will be encouraged to take the form of intensified redevelopment where appropriate for the context of the community (Policy 1.1.1).

Official Plan (2015)

The Carleton Place Official Plan establishes the principals to ensure that development occurs in a strategic and thoughtful manner based on the core community vision.

Administratively, the Official Plan establishes certain policies in accordance with the Ontario Planning Act which allow for the use and employment of tools to govern and regulate land use planning. One such tool is the “holding provision” outlined in Section 36 of the Planning Act. In order for a Municipality to make use of the provision, the Official Plan must have “enabling policies”. The Carleton Place Official Plan has established such provisions in Policy 6.10. The Policy articulates that such provisions may be applied to meet the following objectives:

- 1. To assist in the phasing of development and/or redevelopment;*
- 2. To co-ordinate development and/or redevelopment with the provision of water, sanitary sewage, storm sewer and other services;*

3. *To control development and/or redevelopment which may necessitate special design considerations;*
4. *To forestall development and/or redevelopment until such time that stated planning related criteria can be satisfied; and*
5. *To aid in the selection of sites or areas that may be subject to holding provisions, the following locational criteria are identified:*
 - i) *lands in a built-up area which are undeveloped;*
 - ii) *lands which are unserviced;*
 - iii) *lands which do not have adequate access or frontage onto a public roadway;*
 - iv) *lands which are adjacent to hazardous, noxious, temporary or otherwise undesirable uses or activities; and*
 - v) *lands which are near or fronting onto public roads which are subject to hazardous conditions or are inadequate to handle current traffic volumes.*

Once applied, a Holding provision exists until expressly lifted by an amending by-law in accordance with the provisions of the Planning Act. Removing the holding provision only occurs once Council is satisfied that all prescribed conditions or criteria have been satisfied.

Site Specific Application

In the case of the present site-specific application of the Holding provision on the subject lands at 150 Mill Street, it is noted that the subject lands are designated as “Strategic Property”.

Policy 3.2.4.1(3)(a) specifies that development and redevelopment of McArthur Island:

“...shall be limited to residential uses in a mixed use environment where non-residential uses such as service commercial, recreational and office employment uses are included in the overall design of any proposed development. The minimum residential dwelling density shall be 35 units per net hectare and shall be provided through row housing and/or low rise apartment buildings. A maximum of 30% of the developed net floor space shall be for non-residential uses.”

The application of the Holding provision by this application does not contradict the intent of the policy to recognize and encourage the redevelopment of the lands, but allows the municipality to do so thoughtfully in accordance with the further provisions of Official Plan Policy 6.10.

Comments Received

Staff circulated the application in accordance with the provisions of the Planning Act and Development Permit By-law. Notice was posted on the subject property and circulated generally in the local newspaper. Notice was also circulated to prescribed agencies and public bodies electronically.

The statutory Open House was conducted on October 8, 2020 and four (4) individuals attended the meeting seeking general information regarding the purpose of the amendment.

The statutory Public Meeting was conducted virtually on October 27, 2020 and no delegates registered to speak.

Staff received verbal comment from one individual who noted the presence of a commemorative plaque honouring the passing of his daughter located on the subject lands. Unaware of the plaque's location, staff has since modified the Development Agreement to reference the preservation and protection of the plaque in situ.

Written comments were also received from one resident seeking clarity regarding the status of the McArthur Island development. No objections to the holding provisions were made.

No comments were received resulting from the electronic circulation to prescribed agencies and public bodies.

Summary

Having reviewed and assessed the proposed Amendment, staff are satisfied that the proposal complies with the provisions of the Provincial Policy Statement 2020, conforms to the policies of the Official Plan and satisfies the applicable sections of Development Permit By-law 15-2015.

As there are no outstanding or unaddressed comments and concerns raised by members of the public, staff are satisfied that the proposal will not result in negative impacts within the local community.

STAFF RECOMMENDATIONS:

1. THAT Council pass a by-law amending Section 2 of Development Permit By-law 15-2015 by adding the following provisions:

"2.28 Holding Provisions

Any parcel or area of land in any designation on the Schedule of this By-law may be further classified with a holding provision through the addition of the suffix "h". The holding classification added to a given designation shall restrict development of the land until such time as the holding provision is removed.

Where a holding provision applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than uses existing on the date of passing of this By-law. Any change from the holding status shall require an amendment to this By-law and the Town may require that the applicant enter into an agreement for the development of the land prior to the amendment being adopted."

2. THAT Council pass a by-law amending Schedule A and Section 4.5.4 of the Development Permit By-law 15-2015 by identifying a "holding" symbol and adding the following provisions:

"None of the permitted uses identified in Section 4.5.1 shall be permitted on the portion of the lands identified in Schedule 'A' as Strategic Property – Holding, and such lands

shall remain vacant and undeveloped until such time as the following plans, reports, approvals and agreements have been provided to the satisfaction of the Town :

- 1. Composite Utility Plan*
- 2. Environmental Compliance Approval by the Ministry of the Environment;*
- 3. Detailed design for all pedestrian bridges and pathway crossings of the Mississippi River;*
- 4. Building Elevations;*
- 5. Landscape Plans;*
- 6. Record of Site Condition;*
- 7. Traffic Study Regarding Mill Street Bridge capacity and widening requirements;*
- 8. Amending Development Permit Agreement including but not limited to:*
 - a. Financial Conditions;*
 - b. Insurance Certificates;*
 - c. Performance Bonds;*
 - d. Updated Schedules.”*